IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 3179 of 2006(C)

PETITIONERS:

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1. T.J.JOSEPH, THAZHAPALLIL HOUSE,
P.O.PUDUSSERY, MANANTHAWADY, WAYANAD.

2. T.V.THOMAS, THORUMALAYIL HOUSE,
VANCHOOD P.O., MANANTHAWADY, WAYANAD.

3. BABY N.ABRAHAM, NEDUMPURATHU HOUSE,
THONDANADU P.O., MANANTHAWADY, WAYANAD DIST.

4. M.J.XAVIER, MANITHOTTIYIL HOUSE,
CHERUKATTOOR P.O., MANANTHAWADY, WAYANAD.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED
BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT (RDPB) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
RURAL DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
WAYANAD.

4. THE PROJECT OFFICER,
DISTRICT DEVELOPMENT AGENCY (DRDA),
WAYANAD.

5. THONDERNADU GRAMA PANCHAYAT,
THONDERNADU P.O.-670 731, WAYANADU DIST.,
REPRESENTED BY ITS SECRETARY.

6. PANAMARAM GRAMA PANCHAYAT,
PANAMARAM P.O., WAYANAD DIST., REPRESENTED
BY ITS SECRETARY.

BY ADV. SRI.K.G.ANIL BABU
GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007 ALONG WITH WPC NO. 3820 OF 2006 AND WPC NO. 3531 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER NO.B1/299/05 DTD. 23/02/2005 OF THE 3RD RESPONDENT.

EXT.P2: COPY OF THE ORDER NO.B1/310/05 DTD. 3/03/2005 OF THE ASSISTANT EXECUTIVE ENGINEER, DRDA, WAYANAD.

EXT.P3: COPY OF THE AGREEMENT ENTERED INTO BEWEEN THE COMMITTEE AND THE PANCHAYAT.

EXT.P4: COPY OF THE ORDER NO.B1/881/05 DTD. 17/02/2005 OF THE DISTRICT COLLECTOR.

EXT.P5: COPY OF THE ORDER NO.B1/881/05 DTD. 17/02/2005 OF THE ASSISTANT EXECUTIVE ENGINEER, DRDA, WAYANAD.

EXT.P6: COPY OF THE AGREEMENT ENTERED INTO BEWEEN THE BENEFICIARY COMMITTEE AND THE PANCHAYAT.

EXT.P7: COPY OF THE ORDER NO.B1/340/05 DTD. 10/02/2005 OF THE DISTRICT COLLECTOR, WAYANAD.

EXT.P8: COPY OF THE ORDER NO.ENGG-6563/2005/CRD DTD. 15/03/2005 OF THE SUPERINTENDING ENGINEER OF THE COMMISSIONERATE OF RURAL DEVELOPMENT, THIRUVANANTHAPURAM.

EXT.P9: COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PANCHAYAT AND THE BENEFICIARY COMMITTEE.

EXT.P10: COPY OF THE ORDER NO.B1/110/05 DTD. 10/032/2005 OF THE DISTRICT COLLECTOR, WAYANAD.

EXT.P11: COPY OF THE ORDER NO.ENGG-6562/2005/CRD DTD. 15/03/2005 OF THE SUPERINTENDING ENGINEER AT THE COMMISSIONERATE OF RURAL DEVELOPMENT, THIRUVANANTHAPURAM.

EXT.P12: COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PANCHAYAT AND THE BENEFICIARY COMMITTEE.

EXT.P13: COPY OF THE REPORT SUBMITTED BY THE ASSISTANT EXECUTIVE ENGINEER, MINOR IRRIGATION SUB DIVISION DTD. 21/03/2005 RELATING TO THE CONSTRUCTION OF CHECK DAM AT VADAYATTUKUZHI.

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EXT.P14: COPY OF THE ACKNOWLEDGEMENT FORM OF HANDING OVER THE SITE IN RELATION TO THE CHECK DAM AT VADAYATTUKUZHI.

EXT.P15: COPY OF THE G.O.(RT) NO.3475/2005/LSGD DTD. 22/08/2005.

EXT.P16: COPY OF THE REPRESENTATION DTD. 7/05/2005 SUBMITTED BY THE PRESIDENT OF PANAMARAM GRAMA PANCHAYAT BEFORE THE HON'BLE MINISTER FOR RURAL DEVELOPMENT.

EXT.P17: COPY OF THE LETTER NO,B1-2257/05 DTD. 24/05/2005 OF THE PROJECT OFFICER, DRDA.

1ST RESPONDENT'S EXHIBIT:

EXT.R1(A): COPY OF THE G.O.(RT) NO.2108/06 DTD. 26/08/2006.

/TRUE COPY/

KSS

KURIAN JOSEPH, J.

W.P(C)Nos.3179, 3531 & 3820 of 2006

Dated this the 14th day of June, 2007

JUDGMENT

Petitioners in all these cases are aggrieved by the government order dated 22-8-2005 whereby administrative sanctions issued by Sri.Vijayakrishnan, former District Collector, Wayanad for Works under the National Food for Work Programme were cancelled since according to the Government the selection of the works was without following the priority lists submitted by the three tier Panchayats, MLAs and MPs. According to the petitioners by the time the Government issued the orders they had completed the works in certain cases and in rest of the cases they had almost completed the works. It is submitted by learned counsel for the Panchayat that there is no dispute with regard to the fact that the petitioners have either completed or almost completed the works. But owing to the government order the payment could not be made and the Panchayat also could not enjoy the benefit of the works executed by the petitioners in view of the dispute regarding the payment for the works already done. Learned counsel for the Petitioners submits that though they are the affected parties they have not been granted an opportunity for hearing while the Government passed the order referred to above.

2. The learned Government Pleader submits that in the meanwhile the Government of India has commenced a new project. Be that as it may, the main submission of the petitioners is that as per the work orders issued to them they had already executed certain works, which is not seriously disputed by the Panchayats also, they may be given an opportunity to approach the Government itself for a direction that in respect of the works already executed by them the payments will be effected.

3. In the above circumstances these writ petitions are disposed of making it clear that in the event of the petitioners approaching the Government within a period of two months from today, the grievances of the petitioners will be duly considered by the Government with notice to the petitioners as well as the concerned Panchayats and appropriate action in accordance with law and justice will be taken within another three months.

(KURIAN JOSEPH, JUDGE)

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